

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5680**

Open Session

The Appeals Board meeting convened at 1:00 p.m., August 17, 2022, via Zoom conferencing with Chair Marty Block presiding.

1. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Marty Block, Chair	X	
Dan Reeves, Vice-Chair	X	
Mike Eng	X	
Michael Allen	X	
Laura Kent-Monning	X	

2. Approval of the Minutes:

The July 20, 2022, Meeting Minutes were approved unanimously.

3. Chair's Report:

Chair Block advised that most of the Board's work is not done during the meetings, but in-between meetings. Since the last meeting, the Board resolved 1,217 second-level appeals.

Chair Block congratulated Board Member Kent-Monning on her reappointment to the Board.

Chair Block expressed his best wishes to Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, on her retirement and congratulated Presiding Administrative Law Judge Rebecca Bach as she will be assuming the role of PJ of Appellate Operations.

4. Board Member Reports:

Vice-Chair Reeves thanked PJ Remke for her years of service to the State of California and the assistance she has provided to the Board over the years.

Member Eng thanked the CUIAB staff who have been physically present in the offices during the pandemic. Member Eng thanked PJ Remke for her work and congratulated her on her retirement. Additionally, Member Eng congratulated PJ Bach on her new role and Board Member Kent-Monning on her reappointment.

Member Allen wished PJ Remke well on her retirement, congratulated PJ Bach on her new position, and Member Kent-Monning on her reappointment. Member Allen expressed his appreciation to the CUIAB staff working throughout the pandemic.

Member Kent-Monning thanked her colleagues for their well-wishes and PJ Hannah for administering her Oath of Office for her reappointment. Member Kent-Monning congratulated PJ Remke on her retirement and PJ Bach on becoming the Presiding Administrative Law Judge of Appellate Operations. Lastly, Member Kent-Monning congratulated AO ALJ DeJesus on his appointment to a judgeship for the superior court.

5. Public Comment

Richard Miller commented on his efforts to obtain employment with CUIAB.

6. Chief ALJ/Executive Director Report:

On behalf of the Executive team, Chief Cutri congratulated Member Kent-Monning on her reappointment.

In July, CUIAB closed 2.7% of cases within 30 days and 3.5% of cases within 45 days. The average case age was 101 days.

The Administrative Law Judge reclassification has been completed and the new ALJ exam was posted on August 12, enabling CUIAB to recruit additional ALJs.

The 12th cohort of training new ALJs by PJ Bach has commenced.

Since the last Board meeting, there were 16 positive COVID cases reported and three office closures. The offices were cleaned and re-opened with few hearings impacted.

The Oxnard and Fresno Field Offices are exclusively operating in the CAMS system.

Director Cutri thanked Vice Chair Reeves and Member Allen for their participation in

working with cases in the CAMS system.

Director Cutri congratulated ALJ DeJesus on his superior court appointment and PJ Remke on her retirement.

Member Eng congratulated ALJ DeJesus on his new appointment. Member Eng inquired about the impact of CAMS rollout on the appeals. Director Cutri advised there will be some delays associated with training and implementing CAMS in the offices, but steps are taken to minimize delays during the transition.

Member Allen asked about anticipated additional ALJs needed to address appeals backlogs. Director Cutri advised that while CUIAB anticipates recruiting three new cohorts of 8 – 10 ALJs, attrition may require more. Member Allen also inquired about whether the new ALJs will be utilizing the CAMS system during their initial training. Director Cutri stated that the new ALJs will be working in the system currently utilized by the respective field offices to which they are assigned.

Member Kent-Monning thanked Chief Cutri for his well-wishes and work.

7. Presiding ALJ of Appellate Operations, Jodi Remke Report:

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, thanked the Board for their kind words on her retirement.

PJ Remke reported that during July, AO resolved 42.9% of cases within 45 days and 95.3% within 75 days.

Vice-Chair Reeves inquired about the capacity and strategy to meet the DOL time-lapse standards. PJ Remke advised that, based on appeal trendlines and the use of cross-trained ALJs, AO is sufficiently staffed to continue to make progress toward eliminating backlogs and meeting DOL standards.

Member Eng commended PJ Remke for her years of service.

Member Kent-Monning commended PJ Remke and all involved in the ALJ cross-training efforts.

8. Chief Information Officer, Jeff Willoughby Report:

Chief Willoughby congratulated PJ Remke on her retirement, PJ Bach on her new

position, and Member Kent-Monning on her reappointment.

IT has been working to address issues that have surfaced in implementing the CAMS system.

CUIAB anticipates implementing CAMS in three additional field offices before the end of the calendar year and intends to fully implement CAMS in all field offices by the end of Fiscal Year 2022/2023.

Vice Chair Reeves requested confirmation that the input from users is being used to adjust and improve CAMS as it is implemented in additional offices. Chief Willoughby confirmed this is correct.

Member Eng thanked Chief Willoughby for his prompt assistance with matters.

Members Allen and Kent-Monning thanked the IT staff for their assistance with CAMS.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva congratulated Member Kent-Monning on her reappointment and PJ Remke on her retirement.

Since the July Board meeting, there were 18 reported COVID cases, resulting in three full-day office closures and the implementation of outbreak protocols in two offices.

Chief Silva reported that since the July Meeting, six support staff employees have been hired. There were seven support staff separations during that time. Recruitment for new hires continues.

Member Eng thanked Chief Silva for providing the retention report to the Board and inquired about employee exit interviews. Chief Silva stated outgoing employees are provided an exit questionnaire to be returned to him. Chief Silva advised that he can provide information regarding specific job classifications based on the retention report upon request.

Member Allen requested that Chief Silva's responses to Member Eng's inquiries be shared with all Board Members.

10. Action Item - Review and Approval of 2022-2023 Fiscal Year Budget:

Chief Silva provided an overview and proposal for the CUIAB 2022/2023 Budget.

Vice-Chair Reeves asked for assurance that CUIAB will receive a \$5 million funding transfer in the event it becomes necessary due to CUIAB's workload during the fiscal year. Chief Silva confirmed that EDD had agreed to this and made these representations in writing.

Member Eng requested clarification on the budget allocation for training. Chief Silva advised that the training allocation encompasses training activities for all CUIAB program branches. Costs attributable to Board Member trainings are included within this allocation.

Member Allen requested an explanation regarding a specific allocation for security services. Chief Silva advised that there is a contract with the CHP for security stand-by and security camera monitoring services.

Member Kent-Monning thanked Chief Silva for the report.

The Board approved the 2022/23 Fiscal Year Budget with 4 votes in favor, Vice-Chair Reeves in abstention.

11. Action Item - Approval of Amendments to California Code of Regulations, title 22, Section 5000, et. seq.

Chief Counsel Mark Woo-Sam congratulated Member Kent-Monning on her reappointment and PJ Remke on her retirement.

Chief Counsel Mark Woo-Sam provided an overview of the development and status of the regulatory changes, the Board's prior actions on the regulations, and the public comments received on the proposed changes.

Member Eng moved to adopt the proposed amendments to Title 22, California Code of Regulations, Section 5000 et seq.

Vice Chair Reeves inquired about the potential guidelines for ALJ in exercising discretion regarding the mode of hearing. Chief Cutri advised that the intent will be to continue scheduling hearings telephonically and advising parties that they may request to participate in person. Those requests should be accommodated where

appropriate based on the circumstances including consideration of the type of public health concerns brought about by the pandemic.

Member Eng inquired about the Legal Services of Northern California's comment regarding the timing of holding hearings. Chief Counsel Woo-Sam advised that CUIAB is subject to and intends to continue to work towards meeting the federal time-lapse standards. Member Eng inquired about prior versions of the proposed regulations providing for appeals to be filed directly with CUIAB. Chief Counsel Woo-Sam advised that the Board previously deleted that provision and so it no longer appears as a proposed regulatory change.

Member Allen thanked Chief Counsel Woo-Sam for the discussion of public comments regarding the regulatory changes and responses.

Member Kent-Monning noted that as a result of the pandemic, CUIAB has implemented operational changes that allow it to efficiently conduct hearings both in person and telephonically. These new capabilities will enable parties to access CUIAB's processes in the forums most appropriate for their circumstances.

Chair Block thanked Chief Counsel Woo-Sam, Assistant Chief Counsel Kim Hickox, Chief Cutri and PJ Remke for their work on the regulations.

The motion to adopt the proposed regulatory amendments was approved unanimously.

Closed Session:

There was no Closed Session.

Adjournment